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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/237,466 01/26/99 HOPKINS

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TM01/0709

EXAMINER

LY.A

ART UNIT

PAPER NUMBER

2172

DATE MAILED:

07/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/237,466

Applicant(s)

HOPKINS, DEREK IAN JOSEPH

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. *This Office Action is response to Applicant's amendment filed on 06/15/2001.*
2. *Claims 8-9 are added.*
3. *Claims 1-9 are pending in this application.*

### ***Response to Arguments***

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Tactical Data Link (TDL)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

So all claims 1-7 as amended remained rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,923,846 of Gage et al. (hereinafter as Gage) in view of US Patent No. 5,251,324 of McMullan, Jr. (hereinafter as McMullan).

### ***Claim Rejections - 35 USC § 103***

**I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

**II. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,923,846 issued to Gage et al. (hereinafter as Gage) in view of US Patent No. 5,251,324 issued to McMullan, Jr. (hereinafter as McMullan).**

With respect to claim 1, Gage discloses a method of analyzing data link messages, comprising the steps of receiving of data link messages; assigning each data link message to one of a plurality of message groups such that each group contains data link messages of a specific message type (col. 2, lines 34-50).

Gage does not explicitly indicate "tabulating the messages so as to align corresponding fields; and displaying the tabulated data; and displaying a list of field contents for each field type, the list being filtered to remove repeated incidence of the same content."

However, McMullan discloses the tabulated data and the filter (col. 18, lines 19-35, and col. 5, lines 3-12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of McMullan so as to have a tabulating the messages, and the filter to remove repeated incidence of the same content because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

With respect to claim 2, Gage discloses the step of performing to all of said message groups the steps of tabulating the messages and displaying the tabulated data and the field contents as claimed (col. 14, lines 13-67).

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With respect to claim 3, Gage discloses the step of placing all of said data link messages of a specific message type into each of said plurality of message groups as claimed (col. 17, lines 18-54).

With respect to claim 4, Gage discloses a method of analyzing data link messages as discussed in claim 1.

Gage does not explicitly indicate "the step of sorting said list of field contents."

However, McMullan discloses the steps of sorting the list of field contents as claimed (col. 25, lines 27-59).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of McMullan so as to have a sorting list of field contents because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

With respect to claim 5, Gage discloses the step of filtering one of said plurality of message groups so as to display only messages having a particular content for that field type, the content having been selected from the list of field contents as claimed (col. 6, lines 40-67, col. 14, lines 13-67, and col. 17, lines 18-54).

With respect to claim 6, Gage discloses a method of analyzing data link messages as discussed in claim 1.

Gage does not explicitly indicate "the step of filtering the list to remove repeated incidence of content falling within a specific range."

However, McMullan discloses the steps of filtering the repeated incidence of content as claimed (col. 18, lines 36-67, and col. 19, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of

McMullan so as to have a filter to remove the repeated incidence of content because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

With respect to claim 7, Gage discloses a method of analyzing data link messages as discussed in claim 1.

Gage does not explicitly indicate "the data link messages comprise tactical data link messages.

However, McMullan discloses the data link messages as claimed (col. 5, lines 3-12, col. 24, lines 62-67, and col. 25, lines 1-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage with the teachings of McMullan so as to have data link messages because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

**III. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,923,846 issued to Gage et al. (hereinafter as Gage) in view of US Patent No. 5,251,324 issued to McMullan, Jr. (hereinafter as McMullan) and further in view of US Patent No. 5,974,238 issued to Chase, Jr. (hereinafter as Chase).**

With respect to claim 8, Gage in view of McMullan discloses a method of analyzing data link messages as discussed in claim 1.

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Gage in view of McMullan does not explicitly indicate "a plurality of military platforms, the messages being in digital form and transmitted by the units via a wireless network."

However, Chase discloses the military sites platforms, spreadsheet and wireless communication techniques for handheld as claimed (col. 2, lines 22-67, col. 3, lines 25-53, col. 6, lines 46-67, col. 7, lines 1-67, col. 8, lines 1-20, and col. 9, lines 1-49).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage in view of McMullan with the teachings of Chase so as to have data link messages because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

With respect to claim 9, Gage in view of McMullan discloses a method of analyzing data link messages as discussed in claim 1.

Gage in view of McMullan does not explicitly indicate "a plurality of data fields including a message type field and at least one content field containing information of a nature dependent on the message type."

However, Chase discloses the plurality of data fields as claimed (col. 13, lines 18-49, col. 14, lines 62-67, and col. 15, lines 1-45).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gage in view of McMullan with the teachings of Chase so as to have data link messages because the combination would provide an existing need for data link messages which have convenient file handling capabilities in the analyzing tactical data link messages environment.

### **Conclusions**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Contact Information**

**1. Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.**

**If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, Kim Vu, can be reached on (703) 305-4393.**

**Any response to this action should be mailed to:**



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Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**


(703) 308-9051 (for formal communications intended for entry)


**or:**

(703) 305-9724 or (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

AL   
July 5<sup>th</sup>, 2001.

  
HOSAIN T. ALAM  
PRIMARY EXAMINER